

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

APR 09 2019 *jt*

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT HAACK,

Defendant.

CRIMINAL NO. 18-0928 MV **MITCHELL R. ELFERS**
CLERK

Counts 1 and 2: 18 U.S.C. § 1343: Wire
Fraud;

Counts 3 and 4: 18 U.S.C. § 1341: Mail
Fraud;

Counts 5 and 6: 18 U.S.C. § 1028A(a)(1):
Aggravated Identity Theft;

Counts 7 and 8: 18 U.S.C. § 1159:
Violation of the Indian Arts and Crafts
Act.

SUPERSEDING INDICTMENT

The Grand Jury charges:

Counts 1 and 2

1. On or about April 4, 2013, and continuing to on or about June 20, 2014, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendant, **ROBERT HAACK**, knowingly and intentionally devised a scheme and artifice both to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises.

2. The defendant's scheme and artifice consisted of using the online marketplace, eBay, to advertise for sale counterfeit pieces of Indian jewelry that the defendant falsely represented as having been created by Hopi Indian artist Charles Loloma. In reality, the defendant was manufacturing and producing the counterfeit jewelry pieces in his home using reference materials such as design periodicals and books about Charles Loloma's jewelry.

3. It was further part of the scheme and artifice that **ROBERT HAACK** would

receive payment from purchasers of the fraudulent jewelry pieces via the online payment platform, PayPal.

4. On or about the dates set forth below, in Bernalillo County, in the District of New Mexico, and elsewhere, defendant **ROBERT HAACK**, for the purpose of executing the scheme and artifice described above, caused to be transmitted by means of wire communication in interstate commerce signals and sounds, specifically online advertisements, on the dates listed below, each advertisement constituting a separate count:

Count	Date	Listing
1	April 4, 2013	eBay listing for "Charles Loloma Kachina Face Ring"
2	June 15, 2014	eBay listing for "Charles Loloma Modernist Katsina Face Bracelet"

All in violation of 18 U.S.C. § 1343.

Counts 3 and 4

1. Paragraphs 1 through 3 are incorporated as part of these counts of the superseding indictment as if fully re-alleged herein.

2. Continuing his scheme and artifice, on or about the dates set forth below, in Bernalillo County, in the District of New Mexico, and elsewhere, defendant **ROBERT HAACK**, for the purpose of executing and in order to effect the scheme and artifice to defraud and to obtain money under false pretenses, sent and delivered counterfeit jewelry, by the United States Postal Service, from Los Angeles, California to a purchaser in Albuquerque, New Mexico, according to the direction on each box containing the counterfeit jewelry that the United States Postal Service delivered:

Count	Date	Counterfeit Jewelry Piece
3	April 12, 2013	"Charles Loloma Kachina Face Ring"

4	June 20, 2014	"Charles Loloma Modernist Katsina Face Bracelet"
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All in violation of 18 U.S.C. § 1341.

Count 5

From on or about June 15, 2014, and continuing to on or about June 20, 2014, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendant, **ROBERT HAACK**, did knowingly use and possess, without lawful authority, a means of identification of another person, specifically his or her name and his signature, knowing that the means of identification belonged to another actual person, during and in relation to felony violations of 18 U.S.C. § 1343, that being wire fraud, as described in Count 2 of the superseding indictment.

In violation of 18 U.S.C. § 1028A(a)(1).

Count 6

From on or about June 15, 2014, and continuing to on or about June 20, 2014, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendant, **ROBERT HAACK**, did knowingly use and possess, without lawful authority, a means of identification of another person, specifically his or her name and his signature, knowing that the means of identification belonged to another actual person, during and in relation to felony violations of 18 U.S.C. § 1341, that being mail fraud, as described in Count 4 of the superseding indictment.

In violation of 18 U.S.C. § 1028A(a)(1).

Count 7

From on or about April 4, 2013, and continuing to on or about April 21, 2013, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendant, **ROBERT HAACK**, did knowingly display and offer for sale for \$1,000 and more, a good, specifically: jewelry, in a manner that suggested that the good was Indian produced, an Indian product, and

the product of a particular Indian and Indian tribe, resident within the United States, when in truth and in fact, as he there and then well knew and believed, the good was not Indian produced, an Indian product, and the product of a particular Indian and Indian tribe.

In violation of 18 U.S.C. § 1159.

Count 8

From on or about June 15, 2014, and continuing to on or about June 20, 2014, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendant, **ROBERT HAACK**, did knowingly display and offer for sale for \$1,000 and more, a good, specifically: jewelry, in a manner that suggested that the good was Indian produced, an Indian product, and the product of a particular Indian and Indian tribe, resident within the United States, when in truth and in fact, as he there and then well knew and believed, the good was not Indian produced, an Indian product, and the product of a particular Indian and Indian tribe.

In violation of 18 U.S.C. § 1159.

FORFEITURE ALLEGATIONS

Counts 1 through 4 of this superseding indictment are incorporated as part of this section of the superseding indictment as if fully re-alleged herein for the purpose of alleging forfeiture to the United States pursuant to Title 18, United States Code, Section 982(a)(2).

Upon conviction of any offense in violation of 18 U.S.C. §§ 1341 or 1343, the defendant, **ROBERT HAACK**, shall forfeit to the United States of America any property, real or personal, involved in such offense, and any property traceable to such property. The property to be forfeited to the United States includes, but is not limited to, the following:

1. MONEY JUDGMENT

A sum of money equal to at least \$19,398.00 in United States currency, including any interest accruing to the date of the judgment, representing the amount of money derived from or

involved in the offenses, or traceable to property involved in the offenses, for which the Defendant is liable.

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY


Assistant United States Attorney
 4/5/2019 3:07 PM